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Attorneys for Plaintiff MANUEL DIAZ NUNEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF TULARE

MANUEL DIAZ NUNEZ, an
individual, on behalf of himself and on
behalf of all persons similarly situated,

Plaintiff,

v.

TITAN AG SERVICES, INC., a
California corporation; ROYAL
FARMS, INC., a California corporation;
and DOES 1-50, inclusive,

Defendants.

Case No.: VCU296822

**DECLARATION OF TATIANA
HERNÁNDEZ IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: July 16, 2024
Time: 8:30 AM

Judge: Hon. Bret D. Hillman
Dept.: 2

1 I, Tatiana Hernández, declare as follows:

2 1. I am an attorney duly licensed to practice law before all Courts in California. I am
3 the principal of the Law Office of Tatiana Hernández, P.C. I, along with my co-counsel (Jean-
4 Claude Lapuyade, Esq., Sydney Castillo-Johnson, Esq., and Perssia Razma, Esq. of JCL LAW
5 FIRM, APC; and Shani O. Zakay, Esq. of Zakay Law Group, APLC, (my “Co-Counsel”, and
6 collectively, with myself, “Class Counsel”) am counsel of record for Plaintiff MANUEL DIAZ
7 NUNEZ (“Plaintiff”) in this wage and hour class action matter (“Action”) filed against TITAN AG
8 SERVICES, INC. and ROYAL FARMS, INC. (“Defendants”).

9 2. I am familiar with the file, the documents, and the history related to this Action. I
10 make this declaration in support of Plaintiff’s Motion for Preliminary Approval of Class Action
11 and PAGA Settlement (“Motion”). I make this declaration on the basis of my own personal
12 knowledge and could and would testify competently to the facts stated herein.

13 3. I have no knowledge of the existence of any conflicting interests between my firm
14 and my co-counsel, on the one hand, and Plaintiff, any other Class Member, and/or any other
15 Aggrieved Employee, on the other hand.

16 4. I am not aware of any other pending matters or actions asserting claims that will be
17 extinguished or adversely affected by the Class and PAGA Action Settlement.

18 5. The Parties have named The Children’s Advocacy Institute (“CAI”) as the Cy Pres
19 recipient of uncashed funds pursuant to California Code of Civil Procedure section 384. Neither I,
20 nor any member or employee of my firm, have any interest, pecuniary or otherwise, or involvement
21 in the governance or work of CAI.

22 6. Plaintiff and Defendants (collectively, the “Parties”) have entered into a Class Action and
23 PAGA Settlement Agreement resolving the claims of the putative Class (the “Settlement Agreement”).
24 The Settlement Agreement seeks to fully release and discharge Defendants from the claims brought
25 against it in this case of a Class of employees of Defendants as defined in the Settlement Agreement. A
26 true and correct copy of the Settlement Agreement is attached as **Exhibit 1** to the Declaration of Jean-
27 Claude Lapuyade and is incorporated herein by reference. The Court Approved Notice of Class Action
28 Settlement and Hearing Date for Final Court Approval (“the Class Notice”) is attached thereto as **Exhibit**

A. The settlement is for monetary relief and, although Defendant may consider certain changes to its compensation system, the settlement does not contemplate any specific injunctive relief. In exchange, Defendant will pay the Class the Gross Settlement Amount (“GSA”) of **\$1,200,000.00**. The settlement provides for the following allocations of the GSA:

Gross Settlement Amount	\$1,200,000.00
Attorneys’ Fees (1/3 of the GSA) (max)	(\$400,000.00)
Litigation Costs (max)	(\$25,000.00)
Settlement Administration Costs (max)	(\$53,000.00)
Service Award to Class Representative (max)	(\$10,000.00)
LWDA’s Portion of PAGA Penalties	(\$60,000.00)
Individual PAGA Payment	(\$15,000.00)
Net Settlement Amount	\$652,000.00

Fairness and Adequacy of the Proposed Settlement

7. I join in the declaration of my co-counsel in finding that the settlement is fair and reasonable. The settlement was the product of extensive arm’s length and intensive negotiations between counsel for the Parties, including at a full-day mediation with Lisa Klerman serving as neutral. Although Plaintiff and his counsel believed that there was a strong possibility of winning on Plaintiff’s claims, they recognized the potential risk, expense, and complexity posed by litigation, such as unfavorable decisions on class certification, summary judgment, at trial and/or on the damages awarded, and/or on an appeal that can take several more years to litigate. The resulting settlement was based on calculations, risk assessment, and non-collusive negotiation. The Parties thoroughly investigated and evaluated the factual and legal strengths and weaknesses of this case before reaching the settlement. The settlement came only after the case was thoroughly investigated by Class Counsel. Based on our independent investigation, evaluation, and consultation, I am of the opinion that the Class settlement with Defendant for the consideration and on the terms set forth in the Settlement Agreement is fair, reasonable, and adequate.

8. After all Court-approved deductions from the non-reversionary Gross Settlement Amount

1 (“GSA”) it is estimated that **\$652,000.00** (the “Net Settlement Amount” or “NSA”) will be distributed
2 to Class Members who do not exclude themselves from the settlement based on the number of weeks
3 worked during the Class Period. Class Members will be provided with an estimate of their portion of the
4 NSA, i.e., their Settlement Share, as part of the class notice process. Class Members will be fully
5 informed of the nature of the lawsuit, their rights under the Settlement Agreement and applicable law,
6 and provided with notice of the settlement, its terms and their right to opt out, object, appear at the
7 fairness hearing or challenge their number of workweeks and PAGA pay periods worked as set out in
8 the notice. The Class Notice will be distributed in English and Spanish. All Class Members will
9 automatically receive a Settlement Share under the settlement unless they opt-out of the settlement.

10 9. I believe that the \$10,000 Class Representative Service Award payable to Plaintiff is
11 reasonable compensation given Plaintiff’s efforts bringing the action, assisting Class Counsel with
12 the litigation and settlement of the case, and reviewing the proposed Settlement to ensure that its
13 terms are fair and provide adequate relief for the Class Members.

14 10. I also believe that the Class Counsel Award of \$400,000.00, or one-third of the
15 Gross Settlement Amount is fair and reasonable.

16 11. I also believe that the award of litigation expenses, not to exceed \$25,000.00 is fair
17 and reasonable.

18 Attorney Experience

19 12. I am experienced in wage-and-hour class actions. California courts have certified me
20 and my firm as adequate and competent class counsel in class actions. Defense counsel shares the
21 view that the Settlement Class is represented by counsel with extensive experience in wage-and-
22 hour litigation. Furthermore, Defense counsel shares the view that this is a fair and reasonable
23 settlement in light of the complexities of the case, the state of the law, and uncertainties of class
24 certification and litigation. Given the risks inherent in litigation, and the strong defenses asserted,
25 this settlement is fair, adequate, and reasonable and in the best interests of the Settlement Class
26 Members. The settlement is also consistent with other settlements that received approval of the
27 Courts.

28 13. I received my LL.M. Master of Laws from the University of Southern California and

1 became a member of the California State Bar in 2008. From 2008 through 2013, I was an associate
2 with the firm Ackermann & Tilajef, P.C., a plaintiffs' employment law firm. During my time at
3 Ackermann & Tilajef, I handled every aspect of employment law, including wage and hour
4 litigation, which permitted me to refine my skills in interviewing clients; drafting and filing
5 complaints; drafting and responding to written discovery; taking and defending depositions;
6 opposing summary judgment motions, and trial preparation. I particularly received great exposure
7 and experience in handling complex and class action litigation in this practice area.

8 14. In 2013, I started my own practice, which concentrates primarily on employment
9 cases as well as wage and hour class actions. I am currently co-counsel with others for wage and
10 hour class actions. I am a member in good standing of the California Bar. I was admitted to the
11 Washington State Bar in December 2018. I have been appointed adequate class counsel in several
12 recent employment class action cases in California and Washington State, including:

- 13 • *Maria Enriquez v. Darbun Enterprises a California Corporation dba All Saints*
14 *Healthcare.*, Order Granting Final Approval of Class Action Settlement, Case
15 No. BC-549699, Los Angeles Superior Court (August 11, 2017) (Judge Kenneth
16 R. Freeman);
- 17 • *Ernesto Carrillo v. Sierra Trucking, Inc. and Lutrel Trucking, Inc. Express,*
18 *Inc.*, Order Granting Final Approval of Class Action Settlement, Case No.
19 BCV-16-101267, Kern County Super. Ct. (Sept. 20, 2017) (Judge Thomas S.
20 Clark);
- 21 • *Ramirez v. Valley Roz Orchards, LP*, Order and Final Judgment Granting Final
22 Approval of Class Action Settlement and Attorney's Fees and Costs, Case No.
23 17-2-00221-39, Wash. Super. Ct., Yakima County (Nov. 17, 2017) (Judge
24 Michael McCarthy);
- 25 • *Santiago Medina Chipres v. M&L Contractor, LLC*, Case No. 17-250197-11,
26 Franklin County Super. Ct. (Judge Joseph M. Burrowes) (granting preliminary
27 approval to class action settlement on August 7, 2017);
- 28 • *Francisco Flores Olivares v. Stemilt AG Services, LLC*, Case No. 17-2-00024-2,

Chelan County Super. Ct. (Judge Alicia H. Nakata) (granting preliminary approval to class action settlement on September 26, 2017);

- *Lleceña Reducindo v. Evans Fruit Co., Inc.*, Case No. 17-2-00459-39, Yakima County Super. Ct. (Judge Richard H. Bartheld) (granting preliminary approval to class action settlement on September 19, 2017);
- *Perez-Hernandez v. Oasis Farms, Inc.*, Order and Final Judgment Granting Final Approval of Class Action Settlement and Attorneys' Fees and Costs, Case No. 17-2-00749-5, Wash. Super. Ct., Yakima County (Jan. 12, 2018) (Judge Sam Swanberg);
- *Flores Olivares v. Stemilt AG Services, LLC*, Order and Final Judgment Granting Final Approval of Class Action Settlement and Attorneys' Fees and Costs, Case No. 17-2-00024-2, Wash. Super. Ct. Chelan County (Feb. 8, 2018) (Judge Robert McSeveney);
- *Flores Olivares v. Blue Mountain Farms, LLC*, Order and Final Judgment Granting Final Approval of Class Action Settlement and Attorneys' Fees and Costs, Case No. 17-2-00028-1, Wash. Super. Ct. Walla Walla County (Feb. 16, 2018) (Judge John W. Lohrmann);
- *Espindola Mendoza et al. v. Apple Eye Orchards, Inc. et al.*, Order and Final Judgement Granting Final Approval of Class Action Settlement and Attorneys' Fees and Costs, Case No. 17-2-00157-5, Wash. Super. Ct. Chelan County (Feb. 27, 2018) (Judge Lesley A. Allan);
- *Garcia v. Carpenter Ranches, LLC*, Order and Final Judgement Granting Final Approval of Class Action Settlement and Attorneys' Fees and Costs, Case No. 17-2-00405-39, Wash. Super. Ct. Yakima County (Mar. 16, 2018) (Judge Richard H. Bartheld);
- *Vilchis-Bautista v. Brewster Heights Packing & Orchards, LP DBA Gebbers Farms et al.*, Order and Final Judgement Granting Final Approval of Class Action Settlement and Attorneys' Fees and Costs, Case No. 17-2-00254-4,

1 Wash. Super. Ct. Okanogan County (Mar. 20, 2018) (Judge Thomas F.
2 O’Connell);

- 3 • *Ayala v. Olsen Brothers Ranches, Inc.*, Order and Final Judgement Granting
4 Final Approval of Class Action Settlement and Attorneys’ Fees and Costs, Case
5 No. 17-2-01046-1, Wash. Super. Ct. Benton County (July 24, 2018) (Judge
6 Alexander C. Ekstrom);
- 7 • *Zepeda et al. v. Flamingo Trucking, Inc.*, Order and Judgement Granting Final
8 Approval of Class Action Settlement and Attorneys’ Fees and Costs, Case No.
9 17-2-00280-5, Wash. Super. Ct. Adams County (January 14, 2019) (Judge Steve
10 Dixon).

11 15. In addition to prosecuting wage-and-hour class actions, my firm also prosecutes
12 complex wage-and-hour PAGA representative actions (*see Alfonso Servin Maria Enriquez v.*
13 *Noble House Home Furnishings LLC*, Order Granting Final Approval of PAGA Settlement, Case
14 No. 20CMCV00152 Compton Superior Court (November 18, 2020) (Judge Maurice A. Leiter);
15 *Julio Lenarch Aranda v. Saladinos, Inc. and Lutrel Trucking, Inc. Express, Inc.*, Order Granting
16 Final Approval of Class Action Settlement, Case No. 34-2020-00280800-CU-OE-GDS,
17 Sacramento County Superior Court (August 20, 2020) (Judge Christopher E. Krueger).

18 16. I am more than fourteen years out of law school, and I have amassed significant
19 experience in complex class action litigation. Throughout the course of my career as an
20 employment law attorney, which spans over fifteen years, I have amassed significant experience in
21 complex class action litigation. Based on the “Laffey Matrix” for attorneys, my hourly rate is
22 calculated at \$829.00 per hour. See <http://www.laffeymatrix.com/>. My hourly rate has been
23 recently approved by courts in California. *See Franco v. BMC West, LLC*, Order Granting Final
24 Approval of Class Action Settlement and Final Judgement, Case No. CIVSB2123090, Cal. Super.
25 Ct. San Bernardino County (June 26, 2023) (Judge Joseph T. Ortiz); *Maria Milan Torres v. Henley*
26 *Restaurants, Inc.*, Order Granting Final Approval of Class Action Settlement and Final Judgement,
27 Case No. 22CV407152, Cal. Super. Ct. Santa Clara County (Judge Theodore C. Zayner); *Johana*
28 *Avila v. GTM Wholesale Liquidators, Inc.*, Order Granting Final Approval of Class Action

1 Settlement and Final Judgement, Case No. 37-2021-00051013-CU-OE-CTL (April 5, 2024)
2 (Judge, Hon. Blaine K. Bowman).

3 17. Finally, since its inception, my firm has represented numerous individual employees
4 in cases brought under various state and federal statutes, including the California Labor Code and
5 the California Fair Employment and Housing Act, and we have obtained favorable results in many
6 of our individual cases.

7 18. To date, my firm has expended no less than 24.2 hours in connection with the prosecution
8 of this action for a total lodestar of no less than \$24,061.80. Attached as **Exhibit A** is a time sheet of the
9 contemporaneous time records maintained by the Law Office of Tatiana Hernandez, P.C. for the services
10 performed in this case.

11 19. On Plaintiff's Motion for Final Approval and Motion for Fees, I will submit an
12 additional declaration providing the Court with sufficient detail regarding my firm's additional
13 lodestar and expenses incurred.

14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct. Executed on June 19, 2024 at Beverly Hills, California.

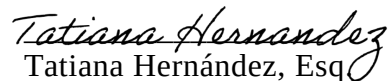
16
17 
18 Tatiana Hernández, Esq

EXHIBIT A

Tatiana Hernandez

Law Office of Tatiana Hernandez,P.C.

Time for Manuel Diaz Nunez v. Titan Ag Services et al

DATE	Description	HOURS	RATE	AMOUNT
10/14/2022	Initial intake interview	1.1	829.00	911.90
10/18/2022	Reviewed documents produced by client in support of potential claims call with Ana re same	0.5	829.00	414.50
10/22/2022	follow up with Manuel re additional questions	0.4	829.00	331.60
10/24/2022	call with Manuel re other documents to be provided, and factual information re potential claims, discussed authorization for 226 request	0.8	829.00	663.20
10/25/22	Prepared cover letter and 226 request to mail Legal research re potential PAGA/class case research of Paga	1.9	829.00	1,575.10
10/27/22	Coordinated with Ana to submit documents to client for signature and calendaring	0.4	829.00	331.60
11/29/22	Research into Human Resources and registered agent and drafted letter re 226 request	1.5	829.00	1,243.50
12/22/22	Contact Defendant following upon file request, submitted another follow-up request	0.5	829.00	414.50
1/4/23	followed up re USPS confirmation of the 226 2nd request, contacted the Defendant for status	0.7	829.00	580.30
2/3/23	communication with Jean Claude re intake,226 status request and legal research re claims	0.5	829.00	414.50
2/7/23	communication with Manuel re case status and follow up call with co counsel	0.6	829.00	497.40
2/13/23	Communication with Co counsel and Ana re client contact information and retainer	0.3	829.00	248.70
2/14/23	communication with Ana to provide co counsel with client's contact information	0.2	829.00	165.80
2/21/23	reviewed retainer agreement coordinated internal deadlines with Ana	0.8	829.00	663.20
12/21/23	Communication with co counsel re mediation proposal	0.4	829.00	331.60
1/11/24	communication with co counsel re status of mediator proposal, provide Ana with update	0.3	829.00	248.70
4/25/24	communication with co counsel proposal, settlement and deadlines for preliminary approval motion, calendaring	0.6	829.00	497.40
5/6/24	communication with co counsel re notice of association of counsel	0.3	829.00	248.70
5/7/24	coordinated with Ana re Case filing and NOA	0.9	829.00	746.10
5/7/24	reviewed notice of appearance email with co counsel reviewed settlement agreement and class notice circulated edits	1.7	829.00	1,409.30
5/8/24	call with co counsel re case notice of association of counsel, coordinated with Ana to calendar motion deadlines	0.7	829.00	580.30
5/13/24	Further edits to the Class Notice	0.7	829.00	580.30
5/20/24	Email exchange with op. counsel re changes to the settlement agreement	0.4	829.00	331.60
5/22/24	email exchange re revisions to the agreement	0.2	829.00	165.80

[illegible]